

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Stephen Daniels

Docket No. 2:15-CR-4-1BO

Petition for Action on Probation

COMES NOW Lakesha H. Wright, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Stephen Daniels, who, upon an earlier plea of guilty to Lacey Act Trafficking Violation, in violation of 16 U.S.C. § 3372(a)(1), 16 U.S.C. § 3373(d)(1)(B), and 50 C.F.R. Parts 697.7(b)(1), (2), and (4), was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on August 4, 2017, to 5 years probation under the conditions adopted by the court.

As noted in the original Judgment, the defendant was ordered to abide by conditions of the home confinement program without electronic monitoring for a period not to exceed 6 months. On August 22, 2017, upon defense counsel's motion, the Judgment was amended to include that Daniels is permitted to work as a commercial fisherman during the term of home confinement.

On August 23, 2017, in an effort to accommodate Daniels' employment as a commercial fisherman, a Petition for Action was submitted to the court recommending that the home confinement condition be modified to home detention and that the defendant be restricted to his residence at all times except for preapproved and scheduled absences, including overnight fishing trips. The court concurred with the recommendation.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On October 2, 2017, the defendant submitted to an instant urine screen which tested positive for cocaine. The national laboratory confirmed the result on October 7, 2017. Although Daniels vehemently denied using cocaine, he signed a Waiver of Hearing agreeing to have his probation modified to include 2 days incarceration and participation in the DROPS program and substance abuse treatment, if recommended.

PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

1. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 2 days, as arranged by the probation office and shall abide by all rules and regulations of the designated facility.
2. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to the detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days intermittent confinement, as arranged by the probation office, in the following increments: First Use – Two Days; Second Use – Five Days; Third Use – Ten Days. The defendant shall begin at the Second Use level.
3. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.

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Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Dwayne K. Benfield
Dwayne K. Benfield
Supervising U.S. Probation Officer

/s/ Lakesha H. Wright
Lakesha H. Wright
U.S. Probation Officer
306 East Main Street, Room 306
Elizabeth City, NC 27909-7909
Phone: 252-335-5508
Executed On: October 16, 2017

ORDER OF THE COURT

Considered and ordered this 10th day of October, 2017, and ordered filed and
made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
U.S. District Judge